

R307-101

2. Title: General Requirements.

3. Type of notice: Amend

4. Purpose of the rule or reason for the change:

The purpose of the change is to update the incorporation by reference of 40 Code of Federal Regulation (CFR) Part 51.100(s)(1), in R307-101-2 to the most recent version of the CFR, and to update the definition of Acute Hazardous Air Pollutant, Carcinogenic Hazardous Air Pollutant, and Chronic Hazardous Air Pollutant to reference the 2007 version of the American Conference of Governmental Industrial Hygienists "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices." The Utah Air Quality Board is also proposing to add a new subsection R307-101-3 that will contain the date of the version of the Code of Federal Regulations (CFR) that is incorporated throughout R307. This amendment is part of an overall revision to rules related to updating the incorporation by reference throughout R307 (see separate filings on R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-801, R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/14/2007, the hearing will be cancelled. After 12/14/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been cancelled. A request for a public hearing may be submitted by electronic mail to mcaryl@utah.gov or by calling 801-536-4136.

6. Summary of the rule change:

EPA revised the definition of "volatile organic compound" (VOC) to include the exemption of 1,1,1,2,2,3,4,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane also known as HFE-7300 or L-14787 or $C_2F_5CF(OCH_3)CF_3$. EPA has determined to exclude HFE-7300 from the definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone formation (see 72 FR 2193, January 18, 2007). The Utah Air Quality Board is also proposing to create a new subsection, R307-101-3, Version of Code of Federal Regulations Incorporated by Reference, that will contain the date of the version of 40 CFR incorporated throughout the rules of the Board. This will allow the Board to change the date in one rule instead of changing each rule individually, and will decrease the administrative rulemaking paperwork. There may be cases where an earlier version of 40 CFR is appropriate, and in those cases, the rule will identify a specific version of 40 CFR rather than referring to the version referenced in R307-101-3. Individual rules will still identify the specific sections of 40 CFR that are included or excluded, and R307-101-3 will be used solely to identify the most recent version of 40 CFR referenced in R307. Finally, the Utah Air Quality Board is proposing to update the definition of Acute Hazardous Air Pollutant, Carcinogenic Hazardous Air Pollutant, and Chronic Hazardous Air Pollutant to reference the 2007 version of the American Conference of Governmental Industrial Hygienists "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices."

7. Aggregate anticipated cost or savings to:

- a. State budget:** Because these revisions do not create new requirements, no change in costs is expected for the state budget.
- b. Local government:** Because this revision does not create new requirements, no

change in costs is expected for local governments.

- c. **To Small Businesses and Other Persons:** Small Businesses: Because this revision does not create new requirements, no change in costs is expected for small businesses. Other Persons: Because this revision does not create new requirements, no change in costs is expected for other persons.

8. Compliance costs for affected persons:

Because this revision does not create new requirements, no change in costs is expected for affected persons.

9. Comments by the Dept head on the fiscal impact the rule may have on businesses:

This amendment does not create new requirements. Therefore, no additional costs are expected. (Richard W. Sprott, Executive Director, Department of Environmental Quality)

10. Authorizing statute: 19-2-104

11. Materials incorporated by reference?

40 CFR 51.100(s)(1)

12. Public comment and hearing info: Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City.

13. May become effective on: February 7, 2008

14. Keywords: air pollution, definitions